

1 The opinion in support of the decision being entered today was *not*
2 written for publication and is *not* binding precedent of the Board.
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5 UNITED STATES PATENT AND TRADEMARK OFFICE
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8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES
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12 *Ex parte* PAUL LEVY WILLIAMS Jr. and MARCELLOUS P. FRYE Jr.
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15 Appeal 2007-0774
16 Application 09/741,994
17 Technology Center 3600
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20 Decided: April 20, 2007
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23 Before TERRY J. OWENS, MURRIEL E. CRAWFORD, and ROBERT E. NAPPI
24 *Administrative Patent Judges.*
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26 NAPPI, *Administrative Patent Judge.*
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29 DECISION ON APPEAL
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31 This is a decision on appeal under 35 U.S.C. § 6(b) (2002) of the final
32 rejection of claims 1 through 28. For the reasons stated *infra* we will not sustain
33 the Examiner's rejection of these claims.
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INVENTION

The invention is directed to a method of providing Electronic Data Interchange (EDI) products and services. The method involves providing a user of EDI products access to a server which prompts the user to enter data relating to the user's trading partners. Based upon the responses the server automatically determines the appropriate EDI products and services that the user needs. See pages 2 and 3 of Appellants' specification. Claim 1 is representative of the invention and reproduced below:

1. A method for providing electronic commerce electronic data interchange (EDI) products and services for EDI between a user and one or more trading partners, the method comprising the steps of:
providing a host server for access by said user;
obtaining first information from said user to identify a plurality of selected trading partners for exchanging EDI information related to trading with the selected trading partners;
retrieving requirements information relating to predetermined electronic commerce EDI requirements of said selected trading partners;
automatically determining, by the host server, suitable electronic commerce EDI products or services for said user based at least in part on said requirements information from said selected trading partners; and
obtaining registration information from said user to register said user for one or more of said suitable EDI products or services.

REFERENCES

The references relied upon by the Examiner are:

Reed	US 5,862,325	Jan 19, 1999
Call	US 5,913,210	Jun. 15, 1999

Archived web page "www.ediconsulting.com" dated October 14, 1999.

Bakalash US 6,408,292 Jun. 18, 2002

REJECTION AT ISSUE

Claims 1, 2, 10, 13-16, 19, 20, 27, and 28 stand rejected under 35 U.S.C.

§ 102 (a) as being anticipated by “www.ediconsulting.com.” The Examiner’s rejection is set forth on pages 2 and 3 of the Final Office action mailed March 4, 2006. Claims 3 through 9, 11, 12, 17, 18, 21 through 23, 25, and 26 stand rejected under 35 U.S.C. § 103 (a) unpatentable over “www.ediconsulting.com” in view of Call, Reed, and Bakalash . The Examiner’s rejection is set forth on pages 3 and 4 of the Final Office action mailed March 4, 2006. Throughout the opinion we make reference to the Brief and Reply Briefs (received November 17, 2005, June 21, 2006 and July 17, 2006 respectively), and the Answer (mailed April 21, 2006) for the respective details thereof.

ISSUES

Appellants contend that the Examiner’s rejection of independent claims 1, 19, 27 and 28 under 35 U.S.C. § 102(a) is in error. Appellants assert that www.ediconsulting.com does not disclose or suggest automated determination by a host server of EDI products and services that are needed to perform EDI with selected trading partners. Rather, Appellants assert that www.ediconsulting.com teaches performing EDI evaluations, mapping support and ongoing support for EDI system integration all of which are manual operations. (Br. 4)

The Examiner asserts that the rejection is proper. The Examiner, on pages 4 and 5 of the Answer asserts that the claim term “automatic” when viewed in light of the specification does not mean “fully automatic” but rather requires some input.

1 The Examiner finds that the www.ediconsulting.com web site obtains information
2 from the user, retrieves user information from a database relating to the EC/EDI
3 requirements. Further the Examiner states “[t]he [ediconsulting.com](http://www.ediconsulting.com) site is silent as
4 to precisely how it determines suitable EC/EDI products, but it must use an
5 automated and interactive process using a database of rule and trade partners and
6 the internet.”

7 Thus, the issue before us is whether www.ediconsulting.com teaches
8 automatically determining, by the host server, suitable electronic commerce EDI
9 products or services for said user.

10 FINDINGS OF FACT

11 Appellants’ specification describes a system where a user inputs information
12 identifying trading partners to a host server. Based upon the inputted information a
13 database is queried, the results of the query providing information identifying the
14 appropriate EDI products and services to trade with the identified partners.
15 (Appellants’ specification P. 6, ll. 20-28 and P. 9, ll. 3-16). If there is insufficient
16 information in the database the user is referred to a call center where the
17 determination is made by a person. (Appellants’ specification P. 10, ll. 9-18)
18 Thus, the Appellants’ specification describes one operation of the system involves
19 a determination made by a host server in response to user input, i.e. once the user
20 inputs the data the host server (a computer) makes the determination. As such we
21 consider the scope of the term automatically to be referring to a system that
22 responds to a user input without further user action.

23 We find that the www.ediconsulting.com document cited by the Examiner is
24 a web based advertisement for services of the company EDI consulting. The
25 Examiner’s rejection appears to be relying upon the document not as description of
26 the system which performs the claimed method but as evidence of a system on the

1 web that performs the claimed method. Taking the evidence as such, we find that
2 implicit in a web page is that there is a host web server that contains the web page.
3 We further find that the web page has a hypertext link titled “consulting services”
4 (see page 2 of printout), which leads to a page which describes consulting services
5 provided by the company EDI Consulting (see page 3 of the printout). The
6 document describes several methods of contacting the company EDI Consulting,
7 page 2 of the printout provides a mailing address and both voice and fax phone
8 numbers. Further, page 3 of the printout provides an e-mail address, which
9 provides some evidence that a user may provide information to the host web
10 server, although it is not clear if the host web server is the same server as receives
11 the e-mail. The document provides little information as to how the mapping is
12 performed. However we find that the statement “ECS maps every day, we can
13 take this task from the shoulders of your busy internal staff” to suggest that the
14 mapping is performed by staff consultants.

15 16 ANALYSIS

17 Claim 1 recites “automatically determining, by the host server, suitable
18 electronic commerce EDI products or services for said user based at least in part on
19 said requirements information from said selected trading partners.” Independent
20 claims 27 and 28 contain similar limitations; however they are not limited to a host
21 server. Claim 27 recites a “means for automatically determining” which in light of
22 the specification is referring to a host computer. Claim 28 recites a computer
23 program product and includes a “code for automatically determining.”
24 Independent claim 19 recites “an application for ... retrieving requirements from
25 said database based in part on said first information, and automatically displaying
26 suitable electronic commerce EDI products or services.” As discussed *supra*, the

scope of the term “automatically” is interpreted as a system (in the context of the claims is a host server or computer) responding to a user input without further information. Thus, each of the independent claims 1, 19, 27, and 28 require a host server (or computer code or application) to determine the appropriate EDI products, based in part on information input by the user. As discussed *supra* we find that the web page www.ediconsulting.com cited by the Examiner is an advertisement for consulting services that are performed by consultants (people). We do not find that the web page www.ediconsulting.com cited by the Examiner provides evidence of either a host server, computer code or application, which automatically provides the information concerning EDI products to a user based in part upon information provided to the host server, computer code or application. Thus, we do not find that the web page www.ediconsulting.com cited by the Examiner provides evidence that the limitations of independent claims 1, 19, 27, and 28 was known prior to Appellants’ invention.

CONCLUSION

We consider the Examiner’s rejection of 1, 2, 10, 13-16, 19, 20, 27, and 28 under 35 U.S.C. § 102(a) to be in error as we do not find that web page www.ediconsulting.com cited by the Examiner anticipates the limitations in independent claims 1, 19, 27, and 28. The Examiner has not asserted, nor do we find that Call, Reed, and Bakalash, the references applied against dependent claims 3 through 9, 11, 12, 17, 18, 21 through 23, 25, and 26 makes up for the noted deficiencies in the rejection of independent claims 1, 19, 27, and 28. Accordingly we will not sustain the Examiner’s rejection of claims 35 U.S.C. § 103 (a) of claims 3 through 9, 11, 12, 17, 18, 21 through 23, 25, and 26.

ORDER

For the forgoing reasons, we will not sustain the Examiner's rejections,
under 35 U.S.C. § 102(a) and 35 U.S.C. § 103(a). The decision of the Examiner is
reversed.

REVERSED

JRG

Appeal 2007-0774
Application 09/741,994

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